

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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HAROLD SPENCER WILLIAMS,

Petitioner,

v.

Case No. 06-CV-15262

JAN E. TROMBLEY,

Respondent.

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**OPINION AND ORDER DENYING WITHOUT PREJUDICE PETITIONER'S  
SECOND MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner Harold Spencer Williams has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Before the Court is Petitioner's second "Motion for Appointment of Counsel." On November 28, 2006, Petitioner filed his first "Motion for Appointment of Counsel," which the court denied on January 22, 2007. Respondent filed the necessary Rule 5 materials on March 14, 2008. For the reasons stated below, the court will deny Petitioner's second motion for appointment of counsel.

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) ("[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.") (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case "[w]henever the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). In the instant case,

the court determines, after careful consideration, that the interests of justice do not require appointment of counsel at this time. Accordingly,

IT IS ORDERED that Petitioner's second "Motion for Appointment of Counsel" [Dkt. # 15] is DENIED WITHOUT PREJUDICE. The court will reconsider Petitioner's motion if it determines, at a later date, that appointment of counsel would be necessary. Petitioner need not file any additional motions regarding the appointment of counsel.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: July 18, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 18, 2008, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522